

**REMARKS RESPONSIVE TO THE OFFICE ACTION**

Claims 1-15 are pending. Claims 16-19 are new. Reconsideration and allowance of the claims is respectfully requested in light of the following remarks.

**TELEPHONIC INTERVIEW:**

On August 7, 2007, Applicant's attorney participated in an interview with the Examiner and Supervisor. Applicant emphasized the distinction between devices for clamping onto handle bars (the prior art) and the present invention. Specifically considering Claim 8, the Supervisor concluded the rejection to at least Claim 8 was incorrect, and further concluded that basis of the searching conducted thus far by the USPTO was incorrect. As a result, no agreement could be reached on a proposed amendment, since a proper search is still required. The Supervisor suggested that additional description of the device in the claims would assist in the evaluation of the claims. Applicant appreciates Examiner and Supervisor's courtesy and consideration during the interview.

**RE: CLAIMS 1, 7, 8 and 15:**

Claims 1, 7, 8, and 15 are amended. These are the only previously pending independent claims. Applicant does not amend these claims in response to the Office Action. To the contrary, Applicant reasserts, as he did in the telephonic interview, that the basis for the rejection was improper. The claims are amended in response to the Supervisor's separate suggestion that additional description would assist in the evaluation of the claims. In the interest of trying to get this Application to allowance, Applicant offers this final amendment to further clarify that this device *does not attach to the handlebars*. Those devices are the prior art and the present invention is a significant and commercially successful improvement over those devices. As proof, Applicant reasserts his Declaration under 37 C.F.R. §1.132 submitted to the USPTO in the previous response.

As amended, and in consideration of the comments of the Supervisor, and the comments above, Applicant believes the rejections made are now moot, as an additional search may be conducted.

For clarity, it is noted that as previously amended in the claims, the word “substantially” is intended and presented to be construed as an expression of “approximation,” not an expression of “magnitude.”

Notwithstanding the foregoing, Applicant asserts that the Pennig reference (like the Mahoney reference), as asserted against the currently pending independent claims, teaches attachment directly to a handlebar, much as all of the other prior art references do. This is the well-known alternative to the present invention for a vehicle accessory mount *adapted for attachment to a control bracket of a handle-barred vehicle throttle or clutch control body*. In the previous amendment, Claims 1, 8 and 15 were amended to clearly distinguish the claimed invention from the prior art method of attaching accessories directly to handle bars with U-bolt brackets and U-bolts such as disclosed in U.S. Patent No. 6,588,637 by Gates et al. (“Gates”) or with clamps as disclosed in U.S. Patent No. 6,062,053 by Ho (“Ho”). The cited references provide no means, teaching, or suggestion of attachment to a control body. Thus, as previously presented, and as currently amended, the cited references teach away from the present invention, and do not anticipate it or render it obvious.

Notwithstanding the foregoing, regarding Claim 8, Examiner stated on page 8 of the Office Action:

*“...since Applicant has not disclosed that the pair of hollow standoff located between the mounting holes solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with no standoff.”*

Examiner’s attention is directed to FIG. 5 and paragraph [0053]:

In this view, the features of the invention that permit easy and secure attachment are best viewed. In the embodiment shown, standoffs 36 and 38 fit into recesses 110 and 116, and abut control bracket 106.

And to paragraph [0063]:

“Standoffs 36 and 38 are ‘bolt guides’ and function as spacers.”

Applicant respectfully asserts that all dependent claims depending from Claims 1, 7, 8, and 15 are allowable as depending from allowable claims.

**RE: CLAIMS 16, 17, 18 and 19:**

Claims 16 through 18 are dependent from Claim 8, and contain limitations for which ample support is found in the specification, but for which a claim was not previously offered. Specifically, support for Claim 16 is found in the specification, including at least in paragraph [0038]. Support for Claim 17 is found in the specification, including at least in paragraph [0062]. Support for Claim 18 is found in the specification, including at least in paragraph [0063]. Support for Claim 19 is found in the specification, including at least FIG. 7.

**RE: PROVISIONAL OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION**

Examiner states:

3. Claims 1 – 15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 15 of copending Application No. 10-778,385 in view of Pennig (U.S. Patent Number 5827282).

Applicant respectfully disagrees with this rejection based on the foregoing discussion establishing Pennig as not relevant for the purpose of establishing obviousness in the present case. Nevertheless, in the interest of advancing the application to allowance, a Terminal Disclaimer has been provided.

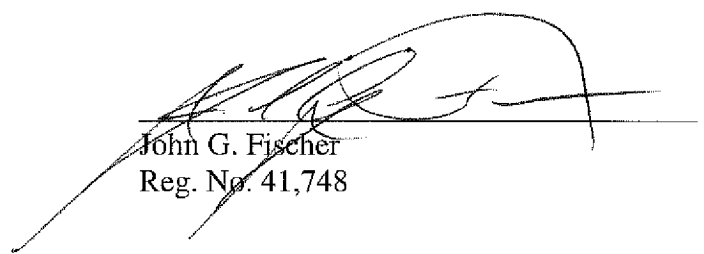
**CONCLUSION**

Applicant believes that, as previously presented, and as amended, Claims 1, 7, 8, and 15 are now in condition for allowance and reconsideration is requested. Applicant also considers all dependent claims and newly added claims to be in condition for allowance. Notwithstanding this assessment, Applicant further believes that the facts presented in the submitted Declaration Under 37 C.F.R. §1.132 establish incontrovertible evidence - proof - of nonobviousness. The unparalleled commercial success of the product and direct design copying by the largest U.S. supplier are thoroughly established by the Declaration and exhibits. As such, Applicant respectfully submits the rejections under 35 U.S.C. 103(a) are traversed.

Applicant submits the fees due for two months of extension of time (\$225.00), one additional Independent claim (\$100.00), and the filing of a Terminal Disclaimer (\$65.00). In the event any other fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account 50-2180 of Storm LLP.

Should the Examiner require any further clarification to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,



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